CERTIFICATE OF MAILING

Service as first class mail in an envelope addressed to:

Mail Stop Issue Fee Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

on January 5, 2005. Plander Zaffins

Rhonda Zaffino

In Re Application of:

Confirmation No.:

6546

Davis et al.

Group Art Unit:

2125

Serial No.:

10/696,192

Examiner:

Alexander J. Kosowski

Filed:

October 29, 2003

Docket No.

81607-1222

For:

SYSTEM AND METHOD FOR

CONTROLLING POWER DEMAND OVER AN INTEGRATED WIRELESS

NETWORK

The following is a list of documents enclosed:

Return Postcard

Issue Fee Transmittal

Credit Card Authorization For PTO-2038 in the amount of \$1700.00

Comments on Statement of Reasons for Allowance

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.



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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The Examiner has made some broad conclusory statements in the Statement of Reasons for Allowance, which may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to vouch the record and to ensure proper interpretation of the claims and history.

First, while Applicant agrees with the Examiner that the stated reasons for allowance of claims 1, 2, 3, 12, 18, 33, 47, 54, 61, and 63 (and indeed all claims 1-64) are indeed proper grounds for allowance of these claims, there are other additional reasons why these claims are allowable over the prior art of record, and Applicant does not admit that the stated reasons for allowance are the only reasons for allowance.

Second, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid

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even though dependent upon an invalid claim." Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Third, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Date: 5 Jan 2005

Respectfully submitted,

N. Andrew Crain, Reg. No. 45,442

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